

**THE INDIANA CIVIL RIGHTS COMMISSION
311 West Washington Street
Indianapolis, Indiana 46204**

**STATE OF INDIANA)
)
COUNTY OF MARION)**

**CHERYL L. BUTTERS,
Complainant,**

**DOCKET NO. EMse80030289
EEOC NO. 053801037**

vs.

**C. K. RESTAURANTS, INC.,
Respondent.**

FINAL ORDER

On May 28, 1981, R. Davy Eaglesfield, Hearing Officer in the above cause, entered his recommended Findings of Fact, Conclusions of Law and Order. Neither party has filed objections that recommendation within the ten (10) day period prescribed by IC 4-22-1-12 and 1-12-1.

Being duly advised in the premises, the Commission hereby adopts as its final Findings of Fact, Conclusions of Law and Order those recommended in the Hearing Officer's Recommended Findings of Fact, Conclusions of Law, and Order, which is attached hereto and incorporated by reference herein.

Signed: June 26, 1981

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Respondent.**

RECOMMENDED FINDINGS OF FACT CONCLUSIONS OF LAW AND ORDER

This cause came on for hearing to the Indiana Civil Rights Commission, R. Davy Eaglesfield, III, Hearing Officer, on May 21, 1981. Complainant Cheryl L. Butters was present in person and by counsel Charles Webster. The Respondent failed to appear either in person or by counsel. The Hearing Officer having duly heard and considered the evidence and arguments of counsel, having considered the record as a whole, and being duly advised in the premises now enters his Recommended Findings of Fact, Conclusions of Law and Order as follows:

FINDINGS OF FACT

1. Complainant Cheryl L. Butters, whose name is presently Cheryl L. Lentz, is a female citizen of the State of Indiana.
2. Complainant worked full-time as a waitress for the Respondent in January and February 1980.
3. Respondent placed the Complainant on an involuntary unpaid pregnancy leave on February 24, 1980.

4. At the approximate time of the pregnancy leave, Complainant showed Respondent a statement from her medical doctor which said that Complainant could continue working without any restrictions until she had her baby.
5. Complainant was pregnant on February 24, 1980.
6. Complainant gave birth on May 20, 1980.
7. There were no complications during Complainant's pregnancy.
8. Only women, not men, get pregnant.
9. Injured men in the Respondent's employ are not placed on involuntary unpaid medical leaves if they provide a doctor's statement indicating that they are able to continue to work without restriction.
10. At all relevant times Complainant was a satisfactory worker for Respondent.
11. Complainant would have maintained her satisfactory job performance as a waitress until the birth of her child.
12. Male dishwashers in Respondent's employ offered to lift heavy tubs of dishes for the Complainant while she was pregnant.
13. Complainant earned two dollars and twenty-five cents (\$2.25) an hour from Respondent in February 1980, and she worked forty (40) hours a week for Respondent.
14. Complainant also earned monies from tips while in the Respondents employ. The amount of her tip income is too speculative to ascertain.
15. As a direct result of the involuntary pregnancy leave, Complainant lost thirteen (13) weeks of wages from the Respondent.
16. Respondent was properly served with a Notice of Hearing in this matter.
17. Any Conclusion of Law which should have been deemed to be a Finding of Fact is hereby adopted as such.

CONCLUSIONS OF LAW

1. The Indiana Civil Rights Commission has jurisdiction over the subject matter and the parties.

2. Respondent committed an unlawful “discriminatory practice” in employment that term is defined in IC 22-9-1-3(1) in that it placed her on an involuntary, unpaid pregnancy leave when she was medically able to continue her job duties in a satisfactory fashion until the birth of her child.

3. The discriminatory practice committed by Respondent is unlawful because it was impermissibly based on sex,

4. As a result of Respondent’s unlawful discriminatory practice Complainant lost wages from the Respondent’s unlawful discriminatory practice Complainant lost wages from the Respondent in the amount of one thousand one hundred and seventy dollars (\$1,170.00).

Any Findings of Fact which should have been deemed to be a Conclusion of Law is hereby adopted as such.

ORDER

1. The Respondent shall cease and desist from placing women on unpaid, involuntary pregnancy leaves when they are still medically capable of performing their job duties in a satisfactory fashion.

2. The Respondent shall pay the Complainant one thousand one hundred and seventy dollars (\$1,170.00) within thirty (30) days of receipt of this Order.

Dated: May 28, 1981